

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

INCREDIBLE AUTO SALES LLC,

Debtor.

Case No. **06-60855-11**

**AUTO AUCTION ASSOCIATES OF
MONTANA, INC. D/b/a AUTO
AUCTION OF MONTANA,**

Plaintiff.

Adv No. **06-00119**

-vs-

INCREDIBLE AUTO SALES LLC,

Defendant.

TEMPORARY RESTRAINING ORDER

At Butte in said District this 20th day of October, 2006.

Upon review of the Plaintiff's Combined Motion for Temporary Restraining Order and Preliminary Injunction filed October 18, 2006, and the Plaintiff's Motion for Reconsideration Re: Temporary Restraining Order filed October 20, 2006, and good cause appearing,

IT IS HEREBY ORDERED THAT,

1. The Debtor is hereby prohibited from encumbering, selling, transferring, trading, or disposing of in any manner the vehicles on Exhibits A and A-1 ("Vehicles") and the Vehicles shall remain insured with Auto Auction as a loss payee for such Vehicles for a period of ten (10)

days from the date of this Order.

2. The Plaintiff is entitled to this Temporary Restraining Order because the failure to grant the relief could result in the Plaintiff losing all rights to recover the Vehicles through its reclamation claim, which would tend to make any judgment in its favor ineffectual and could result in a multiplicity of law suits concerning the Vehicles.

3. This Order is being granted without notice because the Plaintiff's counsel tried, but was unsuccessful in reaching counsel for the Debtor, the Debtor previously refused to surrender the Vehicles, the Debtor continues to operate during the pendency of this matter in its business of selling motor vehicles and any transfers could result in negating the Plaintiff's reclamation claim.

4. This Temporary Restraining Order is entered this 20th day of October, 2006, at 2:00, p.m. and shall be effective for a period of ten (10) days, unless later extended for good cause in accordance with F.R.B.P. 7065(b).

5. A hearing on the Plaintiff's Motion for a Preliminary Injunction will continue to be held Tuesday, October 24, 2006, at 09:00 a.m., or as soon thereafter as the parties can be heard, in the 5TH FLOOR COURTROOM, FEDERAL BUILDING, 316 NORTH 26TH, BILLINGS, MONTANA, at which time the Plaintiff shall be prepared to move forward with its request for a Preliminary Injunction or this Temporary Restraining Order shall be dissolved.

6. This Temporary Restraining Order shall be immediately entered into the record and served upon the Debtor and its counsel and counsel for the Plaintiff.

7. This Temporary Restraining Order is effective upon the condition that the Plaintiff file a bond in the sum of \$75,000.00 no later than 5:00 p.m. on Monday, October 23, 2006. Failure to timely file the above-referenced bond will result in the immediate dissolution of this

Temporary Restraining Order without further action of this Court.

EXHIBIT A

AUTO AUCTION v. INCREDIBLE AUTO SALES

SALE DATE	YEAR	MAKE	MODEL	VIN	ESTIMATED VALUE
10/04/06	2005	Chevrolet	Malibu	1G1ND52F75M177176	\$8,700.00
10/04/06	2005	Kia	Optima	KNAGD126855426066	\$8,050.00
10/04/06	2004	Ford	Ranger	1FTZR44E34PA07225	\$9,950.00
10/04/06	2005	Pontiac	Montana	1GMDV23E75D121917	\$12,600.00
10/04/06	2005	Chrysler	Sebring	1C3EL46X35N568587	\$9,400.00
10/04/06	2003	Chevrolet	Malibu	1G1ND52J93M699843	\$7,000.00
10/11/06	2005	Kia	Spectra	KNAFE121755172069	\$8,050.00
09/27/06	2006	Chevrolet	Malibu	1G1ZT51F46F115830	\$9,700.00
10/04/06	2006	Kia	Sorento	KNDJC733565573207	\$13,775.00
10/04/06	2004	Chevrolet	Blazer	1GNDT13X74K163169	\$12,060.00
10/11/05	2005	Kia	Rio	KNADC125356361327	\$6,450.00

Total Value

\$105,735.00

EXHIBIT A-1

AUTO AUCTION v. INCREDIBLE AUTO SALES

SALE DATE	YEAR	MAKE	MODEL	VIN	ESTIMATED VALUE
10/04/06	2003	Dodge	Stratus	1B3EL36X83N520717	\$6,700.00
10/04/06	2005	Chrysler	Town & Country	2C4GP44R95R589847	\$11,800.00
10/04/06	2007	Dodge	Caliber	1B3HB48B27D530095	\$15,300.00
10/04/06	2005	Suzuki	Forenza	KL5JD56Z55K174188	\$7,900.00
10/04/06	2002	Mercury	Sable	1MEFM50U12G614160	\$5,900.00
10/04/06	2005	Kia	Spectra	KNAFE121655124532	\$9,260.00
10/04/06	2006	Pontiac	G6	1G2ZF55B164176395	\$14,560.00
10/04/06	2004	Chevrolet	Cavalier	1G1JC12F847235271	\$7,235.00
Total Value					\$78,655.00